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ART UNIT	PAPER NUMBER
3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/966,844	OUCHI, NORMAN KEN	
	Examiner	Art Unit	
	Kalyan K. Deshpande	3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 July 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *41-60* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *41-60* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Introduction

1. The following is a final office action in response to the communications received on July 16, 2007. Claims 41-60 are now pending in this application.

Response to Amendments

2. No amendments to the claims were submitted with this response.

Response to Arguments

3. Applicant's arguments filed on July 16, 2007 have been fully considered but they are not found persuasive. Examiner is confused as to exactly what discussion points Applicant are addressing and thus is assuming the "summary" listed at the end of the remarks is a complete list of the discussion points. Applicant argues i) "the dependencies in Berg do not serve the same function of dependencies in a project management system", ii) Berg fails to teach "a function to determine the critical path and compute the time for the critical path", iii) Berg fails to teach "the changing of the sequencing of steps to complete the set of steps in optimal time", iv) Berg fails to teach project planning or re-planning, v) Berg fails to teach the relationship of the resulting tasks in a workflow if changes are made to tasks in a project management system.

In response to Applicant's argument "the dependencies in Berg do not serve the same function of dependencies in a project management system", Examiner respectfully disagrees. Applicants specifically argue that Berg fails to teach

"a system where the next step is determined by searching all steps for a start-finish dependency matching the completion of the just completed step". First, Examiner

notes that no such limitation is found in the recited claims. The limitations recited in the claims only call for starting a second task at the completion of the first task. There is no recitation of searching all tasks to determine which task to begin at the completion of another task. Thus Applicant is arguing a feature not recited in the claims and Applicant is reminded that although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). Second, Examiner finds no functional difference between searching for the next task to begin instead of designating within the completed task a subsequent task to begin. Examiner further notes that searching for the next task to begin would require some sort of unique identifier within the subsequent task in order to determine that task is to begin and this requirement of a unique identifier would be the same as the dependencies found in Berg's tasks.

In response to Applicant's argument Berg fails to teach "a function to determine the critical path and compute the time for the critical path", Examiner disagrees. Berg explicitly teaches "a function to determine the critical path, and to compute the time to complete the critical path (see column 10 lines 58-63, column 11 lines 43-57, and column 22 lines 47-59; where a critical path for the process is used to define tasks and steps to complete the process. The time to complete tasks and processes is calculated and compared to baseline data.). Examiner submits that determining which branch to follow in a workflow network diagram is functionally the same as determining the critical path for a process. Applicants again rely on the argument that Berg fails to teach a project management system, however, Applicant is reminded that there is no functional

difference between the workflow system recited in Berg and the limitations recited in the claims.

In response to Applicant's argument Berg fails to teach "the changing of the sequencing of steps to complete the set of steps in optimal time", Examiner respectfully disagrees. Berg teaches adjusting the start and finish sequencing of steps such that it enables dependant tasks and steps the begin prior to the completion of another step or wait until the completion of another step. Berg fails to explicitly teach "the sequence of connected tasks such that all tasks are completed in minimum time". It is old and well-known in the art to manipulate the start and finish sequencing of steps (as described by Berg) in a manner such that the process is completed in an optimal time. The advantage of this step is that it enables a user to more effectively manage the workflow process. It would have been obvious, at the time of the invention, to modify Berg to incorporate a step to "sequence the connected tasks such that all tasks are completed in a minimum time" in order to enable users to more effectively manage the flow of processes, which is a goal of Berg (see column 2 lines 29-40). Examiner notes the following discussion of Official Notice taken from the MPEP:

> To adequately traverse such a finding, an applicant must specifically point out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art. See 37 CFR 1.111(b). See also *Chevenard, 139 F.2d at 713, 60 USPQ at 241* ("[I]n the absence of any demand by appellant for the examiner to produce authority for his statement, we will not consider this contention."). A general allegation that the claims define a patentable invention without any reference to the examiner's assertion of official notice would be inadequate. If applicant adequately traverses the examiner's assertion of official notice, the examiner must provide documentary evidence in the next Office action if the rejection is to be maintained. See 37 CFR 1.104(c)(2). See also *Zurko, 258 F.3d at 1386, 59 USPQ2d at 1697* ("[T]he Board [or examiner] must point to some concrete evidence in the record in support of these findings" to satisfy the substantial evidence test). If the examiner

> is relying on personal knowledge to support the finding of what is known in the art, the examiner must provide an affidavit or declaration setting forth specific factual statements and explanation to support the finding. See 37 CFR 1.104(d)(2). If applicant does not traverse the examiner's assertion of official notice or applicant's traverse is not adequate, the examiner should clearly indicate in the next Office action that the common knowledge or well-known in the art statement is taken to be admitted prior art because applicant either failed to traverse the examiner's assertion of official notice or that the traverse was inadequate. If the traverse was inadequate, the examiner should include an explanation as to why it was inadequate. (MPEP § 2144.03(C))

First, Applicant has not "specifically point[ed] out the supposed errors in the examiner's action, which would include stating why the noticed fact is not considered to be common knowledge or well-known in the art." Applicant's broad request for references to support Examiner's statements of Official Notice amounts to nothing more than an unsupported challenge. For these reasons, completing steps in an optimal time is taken to be admitted prior art because Applicant's traversal was inadequate.

In response to Applicant's argument Berg fails to teach project planning or re-planning, Examiner respectfully disagrees. An examiner point to the discussion of this argument in the previously submitted response dated April 19, 2007 and reiterates that discussion here. First, Examiner reminds Applicant that the present invention is rejected based on the teachings of Berg, not the Berg invention. Berg teaches the use of project management functions, regardless of whether these features are available in the Berg invention. Second, Berg merely states that workflow information may be exported to other project management applications. This does not mean that Berg cannot provide project management functions such as task management. Furthermore, a recitation of the intended use of the present invention, such as use as a project management application, will not alter the functionality. Thus, so long as Berg can

perform the same functions as the present invention it can be applied towards other fields of use, such as project management.

In response to Applicant's argument Berg fails to teach the relationship of the resulting tasks in a workflow if changes are made to tasks in a project management system, Examiner respectfully disagrees. Berg explicitly discusses the exportation of tasks from the workflow system to a project management system (see column 7 lines 9-25 and column 22 lines 47-59). Berg explicitly states that each task can be exported, thus resulting in a task to task relationship. The recited claims only call for this one to one relationship and therefore Berg explicitly reads on this limitation.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 41-44, 46-51, 53-57, and 59-60 are rejected under 35 U.S.C. 102(b) as being anticipated by Berg et al. (U.S. Patent No. 5999911).

As per claim 41, Berg et al. teach "a project management workflow system comprising: A computer" (see column 3 lines 62-67, column 4 lines 66-67, and column 5 lines 1-6; where the invention is implemented using a computer system.), "A project management program executing in the computer providing" (see column 9 lines 18-35, column 22 lines 47-59, and figures 2 and 5; where tasks can have a preferred start and finish time/date. Actual and baseline data is collected. All processes and tasks are

executed in the computer.), "A set of connected tasks each with an estimated duration including a first task" (see column 9 lines 18-35, column 22 lines 47-59, and figures 2 and 5; where tasks can have a start and finish time/date. This is the same as having a duration. The tasks are listed with dependencies, which is a connection of the tasks. The first task without dependencies would be the first task.), "A function to enter and edit tasks and task connections" (see column 9 lines 18-35, column 22 lines 47-59, and figures 2 and 5; where a user can enter and edit task dependencies, which is the same as the task connections.), "A function to track completed tasks and partially completed tasks" (see column 7 lines 9-24 and column 12 lines 24-32; where there is the functionality to track the status of steps and tasks. Partially completed tasks are also reported. Furthermore, a user can view the status of the task at the time of the login session.), "A workflow program executing in the computer providing a route, a sequence of process steps with a user for each step to perform the step and executing in the computer" (see column 2 lines 42-52 and column 4 lines 4-29; where a workflow program is described. The workflow program manager controls the execution of steps in a workflow. A user defines a flow or route in the workflow manager definitions. The flow or route contain successive steps and tasks to be performed.), "Such that a first route is defined to perform the first task" (see column 4 lines 4-29 and column 10 lines 47-58; where the workflow contains successive tasks that comprise a route. Each route begins with a task or step, which would be the first task.), "When the first task is started in the project management program, then the first route is started in the workflow program" (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a

task can be exported from the workflow program and imported into a project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.), and "When the first route is completed, then the first task is completed in the project management program and also completed in the project management workflow system" (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a task can be exported from the workflow program and imported into a project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.). Berg further teaches "a function to determine the critical path, and to compute the time to complete the critical path (see column 10 lines 58-63, column 11 lines 43-57, and column 22 lines 47-59; where a critical path for the process is used to define tasks and steps to complete the process. The time to complete tasks and processes is calculated and compared to baseline data.). Berg further teaches adjusting the start and finish sequencing of steps such that it enables dependant tasks and steps the begin prior to the completion of another step or wait until the completion of another step. Berg fails to explicitly teach "the sequence of connected tasks such that all tasks are completed in minimum time". It is old and well-known in the art to manipulate the start and finish sequencing of steps (as described by Berg) in a manner such that the process is completed in an optimal time. The advantage of this step is that it enables a user to more effectively manage the workflow process. It would have been obvious, at the time

of the invention, to modify Berg to incorporate a step to "sequence the connected tasks such that all tasks are completed in a minimum time" in order to enable users to more effectively manage the flow of processes, which is a goal of Berg (see column 2 lines 29-40).

As per claim 42, Berg et al teach:

The system of claim 41, wherein the project management program provides a second task defined to start at the completion of the first task and a second route is defined to perform the second task such that when the first task is completed, the second task is started in the project management program and then the second route is started in the workflow program (see column 11 lines 44-56 and column 22 lines 47-59; where the workflow definitions can contain dependencies. A start-finish dependency is a relationship between two tasks where one can task begins when the first task is complete. The status of each task can be updated into the project management software as well.);

When the second route is completed, then the second task is completed in the project management program (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a task can be exported from the workflow program and imported into a project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.).

As per claim 43, Berg et al teach:

The system of claim 41, wherein the project management program provides a second task defined to start at the completion of the first task and a second route is defined to perform the second task and a third task with a third route defined to perform the third task such that the when the set of connected tasks is changed so that the third task is defined to start at the completion of the first task rather than the second task, then when the first task is completed, the third task is started in the project management program and the third route is started in the workflow program (see column 9 lines 1-17, column 11 lines 44-56, and column 22 lines 47-59; where the workflow definitions can contain dependencies. A start-finish dependency is a relationship between two tasks where one can task begins when the first task is complete. A start-start dependency is where a second step requires a first step having started before it can start. A finish-finish dependency is where a first step cannot finish unless a second step has completed. The labeling of the steps as first, second, and third is arbitrary, thus a third step can begin at the completion of the first step the same as a second step can start at the completion of the first step. The workflow definitions are stored in templates and can be manipulated using drag and drop functionality as to replace the second step with a third step or create a subflow from the first step to the third step. The status of each task can be updated into the project management software as well.);

When the third route is completed, then the third task is completed in the project management program (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a task can be exported from the workflow program and imported into a

project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.).

As per claim 44, Berg et al. teach:

The system of claim 41, wherein the completion time for the first route in the workflow program is set in the project management program as the completion time for the first task (see column 7 lines 9-25 and column 22 lines 47-59; where the status of a task can be exported from the workflow program and imported into a project management program. Specifically, the start and finish status of a task is recorded and available for export. The Berg et al. system serves as both a project management system and a workflow management system.).

As per claim 46, Berg et al. teach:

The system of claim 41, wherein the project management program sends a starting message, including an e-mail or XML message, to the workflow program at the start of the first task to start the first route and the workflow program sends a completion message at the completion of the first route to the project management program to complete the task (see column 11 lines 1-9; where an email is sent regarding the status of an activity or step. The Berg et al. system serves as both the project management software and the workflow management system, therefore the message is being sent from the project management system.).

As per claim 47, Berg et al. teach:

The system of claim 41, wherein a step in the first route is designated as partial completion of the first task such that when the step is completed, the workflow program sends a message, including an e-mail or XML message, to the project management program to indicate partial completion of the first task (see column 11 lines 1-9; where an email is sent regarding the status of an activity or step. The Berg et al. system serves as both the project management software and the workflow management system, therefore the message is being sent from the workflow management system.).

Claims 48-51 and 53-54 recite a method to implement a project workflow system to complete a task taught by Berg et al. (see column 2 lines 42-52 and column 4 lines 4-29; where a workflow program is described. The workflow program manager controls the execution of steps in a workflow. A user defines a flow or route in the workflow manager definitions. The flow or route contain successive steps and tasks to be performed.) and further recite limitations already addressed by the rejections of claims 41-44 and 46-47; therefore the same rejections apply to these claims.

Claims 55-57 and 59-60 recite a method to sequentially execute a first route and then a second route for a workflow system using a project management system taught by Berg et al. (see column 2 lines 42-52 and column 4 lines 4-29; where a workflow program is described. The workflow program manager controls the execution of steps in a workflow. A user defines a flow or route in the workflow manager definitions. The flow or route contain successive steps and tasks to be performed.) and further recite

limitations already addressed by the rejections of claims 41-44 and 46-47; therefore the same rejections apply to these claims.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 45, 52, and 58 are rejected under 35 U.S.C. 103(a) as being unpatentable over Berg et al. (U.S. Patent No. 5999911).

As per claim 45, Berg et al. fail to explicitly teach "the project management program provides a user for the first task and the user in the first route is set to the user in the first task". It is old and well-known in the art for a project management or workflow program to assign a user to a task. The advantage of assigning a user to a task is that it enables better tracking and organization of data related to the execution of steps in a workflow. It would have been obvious, at the time of the invention, to one of ordinary skill in the art to incorporate the feature of "project management program provides a user for the first task and the user in the first route is set to the user in the first task" to the Berg et al. system in order to enable the better tracking and organization of data related to the execution of steps in a workflow, which is a goal of Berg et al. (see column 1 lines 25-38).

Claims 52 and 58 recite limitations already addressed by the rejection of claim 45; therefore the same rejection applies to these claims.

Conclusion

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kalyan K. Deshpande whose telephone number is (571)272-5880. The examiner can normally be reached on M-F 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

kkd

Romain Jeanty

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Primary Examiner

Art Unit 3623